

Telecommunications Commission Minutes, April 24, 2008

I. Call to Order.

Chairman Terry Lottes called the meeting to order at 7:15 p.m. in the County Administration conference room in the Administration Center, located at 1300 Courthouse Road.

II. Roll Call.

The following members were present: Terry Lottes, Thomas Kimbrell, Danielle Davis and Edward Sullivan; Alicia Knight joined the meeting at 8:00 p.m. Marie Schuler and Tami Watkins with Comcast and Jaybo Johnson with Cox attended the meeting. Also present representing the County were Michele Lansford, Public Information Office, and Jason Hill, Department of Information Technology.

III. Presentations by the Public

There were no members of the public present.

IV. Approval of Minutes

Ms. Davis moved to approve the minutes of the March 27, 2008 meeting; Mr. Kimbrell seconded; the motion passed unanimously.

V. Members' Concerns

Ms. Davis asked Marie Schuler if she had talked to Dr. Lewis (Marlborough Point) about providing service to the area. Ms. Schuler said Comcast is determining if the area meets the density requirements.

Ms. Davis said that Comcast has provided hi-speed Internet service to her residence, and that the technician who connected the system was very good despite challenges with wiring in her home. She also said she called Comcast for clarification about a notice she received changing a PIN number. The customer service representative she reached was in Mexico, and she could not understand him due to a heavy accent. Ms. Schuler said the call should not have been routed to Mexico, which the center to help Spanish-speaking customers is located, and she will try to determine why it happened.

Mr. Sullivan said the Cox technician who installed his hi-speed Internet service was polite, knowledgeable, and spent several hours fixing bad wiring in the home.

Mr. Lottes told Ms. Schuler that his neighborhood is still without hi-speed Internet service, even though the fiber and nodes have been installed.

Danielle Davis told staff that she wants to meet with one of the County's attorneys to discuss Marlborough Point issue where the residents want to form a cooperative to get access to cable

and hi-speed Internet services. She says the commission needs to know if this is in their scope of responsibility, and if the County is in any way responsible for setting up the cooperative. Mr. Lottes said he'd heard of a Virginia law being considered several years ago to help underserved areas get access to these services.

Mr. Kimbrell said he will contact Dale Sisson on the King George Board of Supervisors to ask if someone from that jurisdiction will attend a meeting and provide an overview of the broadband service they offer residents.

VI. Agenda Additions

There were no additions to the agenda.

VII. New Business

Ms. Schuler said that Comcast has revised their customer service quarterly report to reflect the information that Verizon provides. She her company uses the Federal Communications Commission definition that says a service interruption is the loss of one or more channels, and responds in the time required in the franchise agreement.

Mr. Jaybo Johnson said the Cox report shows the time in which calls are answered as beginning when people enter the queue until they reach a customer service representative.

Ms. Knight said the commission is concerned that Comcast has stopped most construction in Stafford, and has heard that the company may be having financial difficulties.

Ms. Schuler presented an overview of construction in Stafford:

- In 2007, Comcast spent \$18M on plant and infrastructure improvements, and \$5M in new buildout (even in areas that did not meet the density requirements).
- Comcast halted all work in November 2007 for an audit.
- Beginning in 2008, the company instituted new accounting practices.
- All projects were shut down, and divisions were required to re-apply for funds through a somewhat time-consuming process.
- Comcast has been concentrating on technological improvements for existing customers, including:
 - o Improving picture quality at headends
 - o Providing signals locally from a local facility rather than Staunton, Va.
 - o Improving overall reliability of services
 - o Instituting digital simulcasts of local channels

Mr. Lottes asked when construction will pick up again in Stafford. Ms. Schuler said the company is being cautious due to the downturn in the national economy and potential competition being available soon in the County. He asked what will happen in neighborhoods which do meet the density requirement, to which she replied that the subdivisions are on the list to be completed, but the managers have to get financial approval before they can proceed. He asked if Edgewater Estates meets the density requirements. Ms. Watkins said they don't have that information yet.

Mr. Lottes said that Rick Riley had submitted a request to build out the neighborhood. He also asked when the Crown Manor subdivision would be finished. Ms. Schuler replied that it depends on how fast the approvals are issued. She said it's prohibitive to provide service to densely populated but isolated neighborhoods like Potomac Run, and that when more homes are build between them and the headends, it's more likely that Comcast will offer service.

Ms. Schuler was asked if Comcast could work with builders in subdivisions that won't meet the density requirement to work out a way to absorb the costs of services. She replied that it won't be possible in 2008 due to the poor economy.

Mr. Lottes told her that Comcast is in violation of the franchise agreement in his neighborhood because it does meet density requirements and no work has been done since September 2007. Ms. Schuler agreed, and said his subdivision should have been built out in 2007, and that the work will definitely be completed in 2008.

Ms. Knight asked for an update on service to Mr. Souza's residence. Ms. Schuler said there was no new information other than that although the neighborhood does not meet the density requirements, it is slated for construction in 2009 when the funding is available – she will keep the commission updated.

Closed Meeting: At 8:05 p.m., Mr. Kimbrell moved, seconded by Ms. Knight, to go into a Closed Meeting on the following item:

Legal: To discuss negotiation of the Verizon franchise agreement.
Section 2.2-3711 A7
Code of Virginia

The voting tally was:

Yea: (5) Lottes, Kimbrell, Davis, Sullivan, Knight

Closed Meeting Certification: Ms. Knight moved, seconded by Ms. Davis, to adopt proposed Resolution CM08-06.

The voting tally was:

Yea: (5) Lottes, Kimbrell, Davis, Sullivan, Knight

Resolution CM08-06 reads as follows:

**A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY CABLE AND TELECOMMUNICATIONS COMMISSION IN A
CLOSED MEETING ON APRIL 24, 2008**

WHEREAS, the committee has, on this the 24th day of April, 2008, adjourned into a closed meeting in accordance with a formal vote of the commission and in accordance with provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Cable and Telecommunications Commission does hereby certify, on this the 24th day of April, 2008, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the committee. No member dissents from the aforesaid certification.

The motion passed unanimously.

The commission discussed several instances wherein Comcast is in violation of the franchise agreement, and one instance wherein Cox is in violation of the franchise agreement.

Danielle Davis made a motion, seconded by Mr. Kimbrell, to authorize the County Administrator to send a letter to Comcast and Cox alleging that both companies are in violation of the customer service standards set forth in Section 7.08 in both franchise agreements. The motion passed unanimously.

Mr. Lottes moved, seconded by Ms. Knight, to authorize the County Administrator to send a letter to Comcast alleging violation of the buildout requirements Section 2.06-B in the Comcast franchise agreement, noting that the company has 30 days to cure the violation. Specifically, the commission requested that the following neighborhoods be cited in the letter: Hamlet of the Woods of Abel Lake, Potomac Run and Crown Manor Estates. The motion passed unanimously.

Ms. Knight moved, seconded by Mr. Sullivan, to authorize the County Administrator to send Comcast a letter alleging that the company failed to provide proper notification to subscribers of a major programming change in 2007 as provided for in Section 7.05 of the franchise agreement. The letter should ask that Comcast show proof that customers were notified of the change via a public service announcement that ran on air, or a certified copy of an ad that ran in a local newspaper. The motion passed unanimously.

VIII. Adjournment

At 9:00 p.m., Ms. Knight moved to adjourn the meeting; Ms. Davis seconded; the motion passed unanimously.